

Application Number 10/542079
Response to the Office Action dated 10/29/2007

REMARKS

Applicant requests reconsideration of the claims in view of the remarks and the amendments made herein. Applicant amends independent claims 1 and 6 and in doing so have not added new matter. Support in the originally filed specification for "a guide base mounted to the case and carrying a front roller and a rear roller" is given in FIGS. 1-6 and on page 10, lines 8-13; support for the "case is pivotable relative to the bracket about a pivotable axis" is on page 10, lines 2-5; support for an "elastic member [is] provided between the case and the bracket at a position spaced from the pivotable axis intermediate the front and rear rollers for urging the case" is given in FIGS. 2-5 and on page 10, lines 5-7. Claims 1-9 are pending.

The Rejection under 35 U.S.C. §102(e)

Applicant traverses the rejection of claims 1, 3, 5, 6, 8 and 9 as being anticipated by Applicant's admitted prior art (AAPA). The AAPA does not disclose nor is it inherent to have "an elastic member provided between the case and the bracket at a position spaced from the pivotal axis intermediate the front and rear rollers for urging the case," as required by independent claims 1 and 6.

Anticipation requires that every element of the claim be presented in a single reference. Because AAPA does not disclose the elastic member as claimed, it cannot anticipate claims 1 and 6. Indeed, the Office Action admits that the AAPA does not comprise an elastic member contacting with the board for urging the case in paragraph 8 on page 6.

Claims 3, 5 and 8, 9 are at least allowable because of their dependence upon claims 1 and 6, respectively. Applicant does not concede the correctness of the rejection. Applicant requests the rejection of claims 1, 3, 5, 6, 8 and 9 be withdrawn.

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The rejections under 35 U.S.C. §103(a)

Applicant requests that the rejection of claims 2 and 7 as being obvious over AAPA in view of Takahara '441 be withdrawn because of their dependence upon claims 1 and 6, respectively. Applicant does not concede the correctness of the rejection. The rejection, moreover, admits that the other positioning means of AAPA does not comprise a recess.

Applicant disagrees with the rejection's assertion that Takahara '441 teaches or suggests "a recess into which a post provided at the bracket is fitted." Takahara '441 provides neither a recess nor a post. The rejection states that shafts 2a and 2b of Takahara '441 are analogous to the posts, and that the holes 4a and 4b are similar to the claimed recesses, and these are the points with which Applicant disagrees. The shafts 2a and 2b and holes 4a and 4b of Takahara '441 are not the same as the claimed posts and recesses. The holes 4a and 4b of Takahara '441 can best be described as cradles for holding the shafts, but as can be seen from FIG. 4 of Takahara '441, movement of the line sensor unit 2 in the reading line direction is still permitted when the shafts are inserted into the holes or cradles. Thus, Takahara '441 does not "prevent the case from moving in the primary scanning direction relative to the bracket" as required by claims 1 and 6.

Applicant further requests that the rejection of claim 4 as being obvious over AAPA in view of Sheng '851 be withdrawn. Sheng '851 does present a spring 4 in FIG. 3 but Sheng '851, in combination with AAPA, does not disclose or suggest that the spring "is provided ... at a position spaced from the pivotal axis intermediate the front and rear rollers for urging the case," also required by claims 1 and 6. Sheng '851 simply has no pivotal axis.

Regarding the objection to the drawings, Applicant submits replacement drawings having FIGS. 10 and 11 labeled as PRIOR ART. Applicant further amends claims 1 and 6 to remove the language "to be read" and replace it with "being read," as suggested by the Examiner on page 2 of the Office Action.

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In view of the remarks and the amendments to the claims, Applicant requests an early allowance of the claims and issuance of the patent. Should there remain any further issues that could easily be resolved with a telephone call, the Examiner is invited to call Mr. Douglas P. Mueller at 612.455.3804.



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